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# Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights, submitted pursuant to Commission on Human Rights resolution 2004/86.

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# Report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights


*Summary*

This report follows previous reports of the High Commissioner to the General Assembly (A/58/379) and to the Commission on Human Rights (E/CN.4/2004/106). It contains information on developments through to the middle of August 2004.

Sierra Leone stands distinct from other countries of the Mano River Basin. United Nations assistance over seven years has provided a basis for lasting peace, transformation of the war-torn country and establishment of institutions, mechanisms and processes for national healing and reconciliation. Most significantly, important transitional justice mechanisms have been established with assistance from the United Nations. The Truth and Reconciliation Commission has concluded its public activities and will be publishing its report soon and the Special Court has already commenced trials of some alleged war criminals. Several thousand former combatants have been successfully disarmed, demobilized and reintegrated into communities through the United Nations-assisted disarmament, demobilization and reintegration (DDR) programme and local government elections involving the opposition as well as independent candidates have been conducted.

State authority has been consolidated further with the commissioning by the United Nations Mission in Sierra Leone (UNAMSIL) of magistrates courts, police and penitentiary services, resulting in a surge in their numbers. The Human Rights Section is currently assisting staff by providing both refresher training and induction courses to enable them to function effectively and in accordance with international standards. The UNAMSIL drawdown plan is consistently guided by gradual transfer of human rights protection and promotion skills and a handover of responsibilities to local human rights non-governmental organizations and government apparatus.

A critical challenge to peace, justice and reconciliation is the worsening socio-economic conditions, attributed in part to the country's inability to implement targeted Millennium Development Goals and its obligations under the International Covenant on Economic, Social and Cultural Rights. These issues would need to be addressed in order to consolidate the gains of the past years.

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# I. Introduction

1. The Commission on Human Rights, in its resolution 2004/86, requested the United Nations High Commissioner for Human Rights to report to the General Assembly at its fifty-ninth session and to the Commission at its sixty-first session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the United Nations Assistance Mission in Sierra Leone (UNAMSIL).

# II. The human rights situation

## A. Reports of the Secretary-General and the United Nations High Commissioner for Human Rights

2. Since the High Commissioner for Human Rights submitted a report on the human rights situation in Sierra Leone to the General Assembly at its fifty-eighth session (A/58/379), the Secretary-General has submitted the twentieth (S/2003/1201), twenty-first (S/2004/228) and twenty-second (S/2004/536) reports to the Security Council. Of note also is the nineteenth report (S/2003/863), which was submitted after the above-mentioned report of the High Commissioner to the General Assembly.

3. In his twenty-first report, the Secretary-General provided a detailed outline of his earlier proposal for a residual United Nations presence in Sierra Leone until December 2005 to ensure a smooth transfer of security responsibilities to the national Government. He noted that peace in the country remained fragile as police and armed forces continued to face difficulties, making it impossible for the Government to assume responsibility for national and external security by the time UNAMSIL was set to depart in December 2004.

4. In resolution 1537 (2004), the Security Council decided that a residual UNAMSIL presence would remain for an initial period of six months from 1 January 2005, reduced from the December 2004 level of 5,000 troops by 28 February 2005 to a new ceiling of 3,250 troops, 141 military observers and 80 United Nations civilian police personnel. Human rights staff would be included.

## B. Right to life and security of the person

5. The death penalty was not carried out in Sierra Leone during the reporting period. However, reports from human rights officers indicate that 15 persons, including two women, currently incarcerated at the Pademba Road Prison, are on death row following convictions for murder, armed robbery and other felonious offences. Some groups are mounting pressure on the Government to abolish the death penalty in accordance with emerging international practice.

6. There are serious concerns about the prolonged pre-trial detention of some 97 ex-combatants of the former Revolutionary United Front (RUF) and the so-called "West Side Boys" (a group of Armed Forces Revolutionary Council (AFRC) armed men). This group was arrested in 2000 for holding British troops hostage but have not been brought to trial, despite having been indicted by a local court.

7. There have also been cases of deaths in detention centres suggestive of abuses of detainees and absence of humane treatment as required under the International Covenant on Civil and Political Rights. On 7 February 2004, a juvenile was beaten to death in the Kingdom remand home in Freetown. Five people died in the Pademba Road Prison in Freetown at diverse times from alleged poor detention conditions. Notwithstanding, the conditions have not improved. Reports of the police / Criminal Investigation Department investigation conducted into these cases are still pending. In all its encounters with penitentiary officials, the UNAMSIL Human Rights Section has continuously emphasized the importance of ensuring that detention facilities meet minimum international standards. Additionally, training is continuously offered to relevant personnel on existing international standards.

## C. Amputees

8. The Human Rights Section closely monitors the living conditions of amputees and makes recommendations in line with Commission resolution 2003/80, in which the Government was urged to give priority attention, in cooperation with the international community, to the special needs of mutilated victims.

9. The situation of amputees and war wounded has not improved since the last reporting period. The Norwegian Refugee Council, supported by the World Food Programme, (WFP) constructed new houses, resettled amputees, and provided them with daily food rations, skill training and micro-credits and free schooling for their children. The majority of the 329 amputees interviewed by the Human Rights Section in March 2003 benefited from the housing programme and those registered are still receiving food rations. Plans are under way to conduct a comprehensive assessment of the situation of amputees for 2004. Nevertheless, no effective mechanism has been put in place to follow up on the skill training provided and many of the amputee children still do not have access to education. Girls, whose access to education is already limited, are disproportionately affected. The conditions of amputees are exacerbated by lack of adequate sanitation, proper medical care and clean drinking water and access to viable income-generating activities in amputee resettlement camps throughout the country. Many amputees currently live in extremely difficult conditions. Interviews conducted by human rights officers indicate that most of them are looking to the recommendations of the Truth and Reconciliation Commission (TRC) to provide real opportunities for their rehabilitation and reintegration.

## D. Children's rights

10. Children and women bore the brunt of the Sierra Leone conflict. While women were viciously abused during this period, children were systematically forced into a culture and practice of violence of the most depraved kind. Children, sometimes as young as 6, were abducted, drugged and forced to commit atrocities. They were raised in the bush and trained to maim and kill. Children were trained to aim to surpass each other in atrocious acts as a demonstration of their prowess in war. Some were compelled by their abductors to carry out heinous atrocities, which included killing close family members or relatives. UNAMSIL has successfully disarmed all children who took part in the war and has been assisting in implementing reintegration programmes. However, the scars of the war are evident

in the traumatic conditions of some teenagers and young adults in Sierra Leone. In accordance with Security Council resolution 1400 (2002), UNAMSIL pays special attention to the protection of women and children.

11. A number of factors have been identified as being responsible for the depressed level of school enrolment, especially of girls. These include lack of facilities and trained teachers, parental social-cultural behaviour and economic constraints. Cultural norms and traditional practices routinely infringe upon the rights of children and often result in discrimination, especially against the girl child.

12. The Government responded by undertaking major initiatives to promote school enrolment. These included the provision of free education and school materials to girls attending secondary schools in the north and east. The results of these efforts have been encouraging. For instance, in Koidu, Kono District, of the 10,769 pupils and 3,629 students registered in post-primary schools, 4,829 and 1,167 respectively are girls. Of the 737 students registered in vocational schools, 371 (50.3 per cent) are girls. In Kambia District in the north, girls constitute 40 per cent of primary school pupils and 17 per cent of students in post-primary institutions.

13. In Port Loko District, a pilot project initiated in 2003 to support the education of the girl child is expected to benefit 1,000 girls during the current academic year. Coordinated by the Human Rights Section, UNAMSIL and the National Commission for Social Action (NaCSA), this project is supported by War Child, Plan International and WFP. The project aims to take 300 girls off the street and enrol them in school, and also support another 700 already in school. WFP will provide daily school meals while Plan International has agreed to assist with school materials.

14. The fact still remains, however, that girls often drop out by the time they reach secondary school, implying that much more still needs to be done to retain girls in school. While many girls do not have access to schooling and are reduced to street petty trading, girls in the country are often made to work during class hours. For instance, in the north of the country, girls pick mangoes rather than attend classes during the harvest season. In the rainy season, which in some parts of the country lasts for about nine months, some teachers and parents alike tend to ask students of both sexes to help on the farms rather than attend classes.

15. The practice of corporal punishment remains rife in primary and secondary education. It is still on the statute books and can be imposed as a penalty for juveniles by a court of law.

16. International standards prohibit all forms of work that is harmful to children that compromises their education or prevents them from going to school. Sierra Leone has an endemic problem of child labour, which is exacerbated by extreme poverty. In this context, immediate economic advantage supersedes all other considerations, leading to the widespread use of children in economic activities to the detriment of their education and proper development. The previous report (A/58/379) described the extensive use of children, mostly boys between the ages of 6 and 18, in mining activities in Kono and Tonga. This practice has not stopped, and neither has the Government taken any concrete measures to address it. The discovery of diamonds in Kamakwie, in the north, has further expanded the possibilities for child labour. In the area, boys as young as 10 have been seen

carrying mining implements heading for the sites, while girls are involved in a number of service functions like peddling foodstuffs in the mines.

17. There are no available data on health indicators for children. However, information form the District Medical Officer in Port Loko revealed that children are the most affected by diseases ranging from malaria, acute respiratory infection, diarrhoea and tuberculosis. In Kenema District, a sharp increase in the mortality of children under 2 years has emerged, owing to inadequate and poor nutrition, malaria, typhoid and lack of access to medical treatment.

18. As noted in the previous report, the limited number of medical doctors, nurses and medical clinics in the districts has contributed to the prevalence of self-trained doctors, commonly known as "pepper doctors". As the only accessible treatment, mainly in rural areas, these "pepper doctors" prescribe and provide medicines as well as administer injections, causing further health complications that on occasion lead to avoidable deaths. It is important that the Government take appropriate action to address this health hazard.

19. The socio-economic context and economic hardship, coupled with inadequate childcare programmes in the country, have led to a noticeable increase in the number of street children. These children are often part of criminal gangs that steal or beg for a living. Most of these children lost their parents during the war. Some were abandoned and others ran away from domestic abuse. Among these children are a substantial number of young girls subjected to abduction, prostitution, and sexual exploitation and abuse. Some girl prostitutes still live with relatives or parents and/or are schoolgirls engaging in commercial sex as a means of survival. Some are breadwinners for their families.

20. There are equally concerns regarding the trafficking of children in Sierra Leone. This can take the form of children being sent often from rural areas to the cities, to stay with relatives or friends of parents, who force them to work, including as prostitutes. Trafficking also has an international dimension, as indicated by the arrest of three persons in August 2004 charged with smuggling 29 Sierra Leonean children to the United States for adoption. The accused are linked with local aid agencies running orphanages and had persuaded parents to give up their children, who were then smuggled to a neighbouring country and flown to the United States.

21. Both early marriages and forced marriages lead to systematic rape, prevent girls from attending further education and lead to health complications, contributing to the high maternal mortality rate in the country. In a recent case, a 13-year old girl from Makeni district was taken out of Sierra Leone by her parents to Guinea-Bissau and forced into marriage. It took the intervention of the Human Rights Section, community leaders and pressure groups to secure the return of the girl, who is expected to go back to school soon. Action for Children in Conflict, an international non-governmental organization (NGO) based in Makeni, is also currently providing provisional sanctuary to two girls who ran away from their parents in Kabala, Koinadugu district, to avoid forced marriage. The Human Rights Section is currently stepping up campaigns against both early and forced marriage.

22. The number of children in conflict with the law is high. However, many of the cases are related to minor offences such as loitering and larceny. The police, with the intervention of the Human Rights Section, now detain children as a last resort and bail is often granted. Cases concerning juveniles are as a rule settled by the

Family Support Unit (FSU) of the police before they reach court. There are nevertheless concerns related to the lack of official detention or remand facilities for children in the districts. A child mother who reportedly drowned her 19-month old baby a year ago was held in detention at Port Loko police station for eight months, the reason being, besides the lack of adequate facilities, that neither the police nor the magistrate has the power to grant bail to murder suspects, regardless of age. The High Court sits only once a year, for five days.

23. There is only one remand home and one approved correctional school for children in conflict with the law in Sierra Leone and both are located in Freetown. These detention centres do not meet the international minimum standards and are in urgent need of upgrading. On 7 February 2004, excessive use of force by a caretaker at the remand home led to the death of a juvenile in custody, whose body was later found in a plastic bag dumped outside the building. This action sparked a public outcry throughout the country, as a result of which the Government requested UNAMSIL and the United Nations Children's Fund to jointly conduct an independent review of the whole juvenile justice system, highlighting its limitations and constraints and making practical recommendations for short-medium-and long-term improvements. While the review is ongoing, the alleged perpetrator of this crime is still at liberty.

## E. Gender-based violence and women's rights

24. Through training and public awareness campaigns, the Human Rights Section, in conjunction with local and international human rights and women's organizations and international NGOs, have promoted the human rights of women in Sierra Leone. There is improved awareness of the rights of women among the police who are becoming more sensitive, especially to victims of sexual abuse. The FSU has been involved in raising awareness at the community level and encouraging members of the public, in particular women and girls, to report cases of sexual abuse. The police have become more proactive in working with NGOs such as the International Rescue Committee (IRC), which operates the Rainbow Centres for victims of sexual assault in Freetown and Kenema. There is also growing collaboration between the police and the Ministry of Social Welfare, Gender and Children's Affairs, which has resulted in the drawing up of a memorandum of understanding on the procedures for cases of sexual and physical violence against children, in particular girls.

25. The convictions handed down between February and April 2004 by courts in Freetown of 12 persons for gender-based violence and related offences against minors are indications of the progress that has been made in addressing gender-related issues. The convicts were sentenced to jail terms ranging from 6 months to 15 years for unlawful carnal knowledge and indecent assault on girls aged between 4 and 14 years. These convictions were due to the efforts of FSU which set up a committee to follow up cases at court and ensure that due process took its course. A random survey conducted by the Human Rights Section in Moyamba district revealed that over 30 per cent of the female students interviewed had at some point been forced to have sexual intercourse against their will.

26. Part of the strategy in the fight against gender-based violence and in support of women's rights is the development of a solid informational base. In this respect, the United Nations Civilian Police supported FSU in maintaining a database on sexual

offences. An initial assessment of information contained in the database showed that rape and unlawful carnal knowledge (rape where the victim is 14 or under) continue to be the most frequently reported incidents, both to the police and at the Rainbow Centres run by IRC.

27. Despite the progress made, more needs to be done to raise awareness on the rights of women at community level and among judicial officers, especially at the community level. In most areas where there are no Rainbow Centres, rape victims are still expected to pay a doctor for a medical certificate and the process of taking cases to court remains long and cumbersome.

28. Discrimination against women continues and results in various forms of violence such as deprivation, psychological abuse and physical assault. The most prevalent forms of violence against women remain domestic violence, sexual assault, including rape, female genital mutilation (FGM) and denial of economic rights such as the right to inherit land and property. Such practices are not perceived in society as violence. It is this perception and the cultural values that justify them that should be the focus of the collective effort to address violence and discrimination against women.

29. Efforts of UNAMSIL in this regard have increased awareness of the problems and encouraged the police to treat such cases as serious crimes. Available statistics indicate that more cases are being reported to the police, but very few are prosecuted because women usually withdraw them for fear that their husbands, who are also breadwinners, will go to jail. However, a substantial number of cases go unreported for a number of reasons such as cultural acquiescence and lack of information on available redress options. Government therefore needs to do more to stop the practices by reviewing existing laws and harmonizing them with the Convention on the Elimination of All Forms of Discrimination against Women, to which Sierra Leone is party.

30. Under the laws of Sierra Leone rape in marriage is not an offence and traditionally, a husband may resort to force should the wife refuse. In Port Look, a husband who beat his wife to death for resisting his sexual overtures was acquitted of murder because the medical doctor who certified her death died before the trial. He was set free despite the existence of the death certificate and his confession that he had assaulted his wife for refusing to have sex.

31. FGM remains rampant and continues to be seen as enhancing fertility and as a necessary process for womanhood. Although community-based organizations are beginning to tackle the issue and raise awareness about its dangers, their activities are low key and hampered by lack of resources and capacity. There is a need to develop a systematic approach to this menace through enhanced public education and by establishing sanctuaries for girls who flee from such abusive practices. It is imperative that the Government take action by enacting necessary statutory instruments to outlaw FGM and other harmful practices.

32. UNAMSIL, through its Personnel Conduct Committee continues to receive allegations that peacekeepers are involved in sexual exploitation and abuse. Currently the mission is investigating the case of a 19-year-old woman who was allegedly assaulted and killed by United Nations peacekeepers in April 2004.

33. Another major problem is the statutory discrimination against women in land ownership and inheritance. In a submission to the poverty reduction strategy paper

(PRSP) for Sierra Leone, the Women's Forum, a network of women's organizations, pointed out that lack of justice and poor awareness of women's rights coupled with the Government's failure to incorporate the provisions of the Convention on the elimination of All Forms of Discrimination against Women into domestic law had resulted in inequality. The Ministry of Social Welfare, Gender and Children's Affairs, however, is continuing to work with the Law Reform Commission to ensure that all discriminatory laws against women are reviewed and brought into line with the Convention. It is also seeking resources to enable the drafting of its initial report on the Convention, which Sierra Leone ratified by in 1988.

34. Since the emergence of the first female presidential candidate in the last presidential elections, the involvement of women in national politics has continued to increase. A total of 107 women contested the last local government elections held in May 2004. Of these 54 were successful, covering all districts except Koinadugu. Two of the successful female candidates contested as independents. At a post-election review workshop the female candidates identified intimidation by traditional rulers, gender-blind mechanisms of selection by political parties, traditional attitudes, illiteracy, apathy by women and lack of civic education as some of the barriers they faced.

## F. Refugees, internees and internally displaced persons

35. The repatriation of Sierra Leonean refugees from neighbouring countries has almost come to an end thanks to the successful returnee programme implemented by the United Nations in the aftermath of the war. In the last three years over 250,000 refugees have been assisted to return to Sierra Leone by the Office of the United Nations High Commissioner for Refugees (UNHCR) in collaboration with the International Organization for Migration (IOM) and have been resettled in their places of origin. In Kono district alone UNHCR has reportedly returned 34,259 refugees (11,121 families). The majority of these returnees are assisted with food, clothing, farming tools and seeds to restart a normal life.

36. Liberian refugees in Sierra Leone are housed in camps in some districts and provided with basic care by UNHCR pending repatriation. Among these districts are Moyamba, which has approximately 6,700 refugees, and Kenema, with about 13,818 refugees.

37. Liberian fighters crossing into Sierra Leone were usually disarmed and interned in Mapeh camp (Port Loko district). The camp currently accommodates 338 adult ex-fighters, among them three women. A task force comprising representatives of the armed forces, the police, the Prison Service, NaCSA and the International Committee of the Red Cross has been established to run the camp. The task force, however, has limited resources and currently is struggling to provide health care. Several internees suffer from illnesses such as hernias that require surgery and two internees have died this year as a result of illness. WFP provides the necessary food rations. It is imperative to provide all necessary support to the task force in order to ensure the effective operations of the camp.

38. Internally displaced persons in Sierra Leone have generally returned to their areas of origin or have voluntarily decided to settle in other areas. All formerly deserted towns and villages throughout the country have been repopulated and returnees have duly repossessed their houses and land.

## G. Economic, social and cultural rights

39. Sierra Leone is considered as potentially one of the richest countries in the world. However, for more than a decade, the country has been ranked as the least developed nation in the UNDP Human Development Index. This contradiction should raise fundamental questions and shock every conscience. How can citizens of such a potentially rich nation live in abject poverty?

40. Progress in the implementation of civil and political rights in post-conflict Sierra Leone has not been matched by advances in the realization of economic, social and cultural rights. This is due to several factors ranging from low levels of private investment, corruption and mismanagement to the dearth of effective leadership by the Government on economic, social and cultural issues. This situation has compromised the full enjoyment of all rights guaranteed under international and domestic laws and accounts for, among other things, the generally poor standard of health across the country, the low literacy rate, high maternal and infant mortality rates, poor housing conditions, high unemployment rates and an abysmally low standard of living.

41. Shortcomings in resources have also impacted negatively upon and compromised the functions of vital institutions of government, such as the judiciary, as exemplified by the lack of an adequate number of judges and magistrates, logistics and detention facilities; in addition, personnel are poorly trained. Only the Government of Sierra Leone can assume responsibility for this situation and strive for change. In this regard, we must not underestimate the need for international assistance and cooperation for the post-conflict economic and social development of the country.

42. The implementation of certain economic, social and cultural rights in Sierra Leone do not require resources but only political will and appropriate direction by the Government. For instance, the discriminatory culturally based practices that deny women their economic rights, including the rights of inheritance and ownership of land, could be addressed by the statutory empowerment of women. The improvements that have been witnessed in the participation of women in the Government and in political affairs could well provide the impetus for much-needed social re-engineering. Currently, women constitute about 8 per cent of the public service and 20 per cent of parliamentarians.

43. Rising inflation has led to an upsurge in the prices of basic commodities and foodstuffs, putting them beyond the reach of many citizens. The salaries of public officers are not commensurate with the reasonable expectations of income for a normal life in the country. As a result, many citizens find themselves under severe economic pressure. Basic local products, such as rice and palm oil, which constitute the staple food, are overpriced, with harmful consequences for the economic well-being of the people. There is an urgent need for the sustainable progressive implementation of economic, social and cultural rights through the initiation by the Government of measures to reduce the rate of inflation and create jobs. Such efforts would serve not only to enhance the standard of living of the people of Sierra Leone, but also as the best preventive measure against a return to war.

# III. Human rights activities of the United Nations in Sierra Leone

## A. UNAMSIL Human Rights Section

44. The UNAMSIL Human Rights Section provides capacity to the mission in implementing its human rights mandate. In this regard, it is engaged in monitoring and reporting, capacity-building and training, and advocacy and sensitization, with a view to promoting and improving respect for human rights and the restoration of a culture of peace and rule of law in Sierra Leone. With the impending conclusion of UNAMSIL, the Section works closely with national human rights NGOs and civil society groups to ensure that their capacities are properly developed to respond to the human rights needs of Sierra Leone after UNAMSIL.

45. During the reporting period, the Section monitored and reported on violations of human rights committed by State and non-State actors. Its monitoring mandate was carried out by frequent unannounced visits to police stations, prisons and court trials, as well as to the remand home and approved school for children located in Freetown.

46. The Section continues to work very closely with other substantive sections of UNAMSIL such as the Civil Affairs and Disarmament, Demobilization and Reintegration (DDR) sections. It has maintained an active role in the design and approval process of Quick Impact Projects, which serve to foster community development, information sharing and advocacy. In collaboration with DDR, UNDP and NaCSA, the Human Rights Section identifies and seeks funding for suitable micro projects in Freetown and the districts. It also ensures appropriate coordination between the Office of the High Commissioner for Human Rights (OHCHR) in Geneva and UNDP-Sierra Leone in the implementation of the OHCHR-funded Assisting Communities Together (ACT) project. The DDR-managed trust fund and the ACT project support various activities and programmes in human rights monitoring and reporting, training and capacity-building, gender, and sensitization campaigns.

## B. Activities in the districts

47. The Section has expanded its presence in the field by recruiting and deploying three new officers to Freetown, Tonkolili and Kambia, respectively. Four additional national human rights officers have been hired to support and assist international human rights officers in Makeni, Kabala, Kenema and Koidu and plans are under way to recruit and assign another set of nationals for field offices in Freetown, Port Loko, Tonkolili, Moyamba, Bo (Pujehun) and Kambia.

48. Human rights field officers and assistants continue to undertake monitoring, training and capacity-building, advocacy and sensitization functions with a view to advancing communities' knowledge and awareness of basic human rights and women's and children's rights. Several awareness-raising and capacity-building activities have been conducted by the Section for personnel of several human rights NGOs, human rights defenders, the police, court personnel, market women, etc. These efforts are complemented by the establishment of human rights reference libraries in the districts.

## C. Monitoring of courts, prisons and police stations

49. Human rights officers monitoring the courts continue to report inadequacies, which adversely impact the effective and efficient delivery of justice. Access to the judicial system is hampered by poverty and illiteracy. The courts are poorly staffed and courtrooms are poorly equipped. The most recurrent problem is an insufficient number of judges, magistrates, prosecutors, Justices of the Peace, bailiffs and clerks. The result is a huge backlog of cases and delays in the administration of justice, which restricts the right of citizens to a fair hearing. This situation is further complicated by the absence of a public defender system for those who cannot afford to retain private counsel. Several districts continue to be without resident magistrates. The shortage of magistrates is so dramatic that districts such as Tonkolili, Bombali, Koinadugu and Kono are covered by a single itinerant magistrate who holds three court session days a week in each of the districts. Even superior courts operate a circuit system. In Port Loko, for example, the high court convenes once every eight months for a maximum of five days. Persons accused of serious offences and who had their cases adjourned end up waiting in jail for another cycle of eight months until the next high court session.

50. In response to the acute shortage of judicial officers, UNDP and the Office of the Chief Justice has designed a four-year technical assistance project aimed at providing salaries and other benefits to 12-15 additional trial magistrates, who will be deployed to the districts from the autumn of 2004. Upon the conclusion of the project the Government will progressively take over the responsibility of paying the salaries of the selected judicial officers. The Anti-Corruption Commission has also provided support by occasionally providing three senior judges to support the courts.

51. To address delays in the administration of justice, the Human Rights Section has requested the Chief Justice to issue practice directives that call for respect for due process of the law. For example, in granting a request for an adjournment, the judge must set a time at the end of which some action must occur, for example the resumption of the proceedings.

52. The overall assessment of district prisons and the Pademba Road Maximum Security Prison in Freetown is mixed. Some district prisons, such as the Port Loko and Kabala prisons, are relatively clean and not overcrowded. Further, there have been few reports of maltreatment of prisoners by wardens in the district prisons. However, other district prisons, such as Moyamba and Makeni, do not have toilet, sanitation or medical facilities, while still others lack special units for the incarceration of juveniles and women. In addition, they do not have electricity and pipe-borne water supply, recreation or educational facilities. Government sources blame insufficient financial and other resources for this situation.

53. There is an urgent need to address understaffing and overcrowding in prisons and to reorientate the penitentiary institutions towards rehabilitative and reformative functions. The high number of detainees without financial means to retain counsel underlines the importance of the Government's providing a legal aid system. Frequent adjournments of cases — some as many as twenty times — should be discouraged. The practice of imprisoning lactating mothers with their children should also be addressed as a matter of urgency.

54. Despite inadequacies in terms of logistics, relevant training and poor salaries, there have been considerable improvements in the conduct of the police, especially as it relates to arrest, detention and interrogations. This improvement has been tempered by complaints of police corruption, unprofessional and violent practices, lack of proper record-keeping, detentions beyond the periods provided by law and poor conditions in police holding cells.

55. The absence of magistrates often encourages the seeking of out-of-court settlement. While this may be practical, it has the potential to encourage disregard for court system, condone impunity and compromise the integrity of courts.

## D. Training

56. In conformity with the UNAMSIL exit strategy to empower locals and gradually hand over all responsibilities by closure of the Mission, the Human Rights Section continues to multiply its efforts to prioritize the training of representatives of civil society groups as well as government institutions. These institutions include the Sierra Leone Police and senior officers of the Republic of Sierra Leone Armed Forces. Other officials, such as magistrates and Justices of the Peace, are often invited to routine seminars held with NGOs. On occasion the Section has conducted in-house human rights training for UNAMSIL peacekeepers, military observers and United Nations Civilian Police. It has also provided induction training in human rights for new civilian staff members.

57. Training activities by the Human Rights Sections have been complemented by regular awareness-raising and sensitization campaigns through weekly radio programmes aired on Radio UNAMSIL, as well as on other local radio stations. Community sensitization programmes on the radio usually cover human rights issues ranging from the meaning and scope of human rights, the role of government institutions, including the police, in the promotion and protection of human rights, women's rights and monitoring economic, social and cultural rights as well as the rights of the child.

58. In line with Security Council resolution 1400 (2002) women are generally well represented in the training programmes and do take part in related activities. Throughout the training sessions, the Human Rights Section applies gender mainstreaming by addressing issues of relevance to the community such as sexual assault and sexual exploitation, women's inheritance rights, domestic violence, child labour and the importance of girl-child education.

## E. Capacity-building, technical cooperation and advocacy

59. In order to build national capacity in human rights monitoring, human rights officers usually conducted joint monitoring exercises with local groups from police stations, prisons and the courts. As national groups develop their skills in monitoring they are gradually encouraged to conduct such exercises alone, using guidelines provided by the Human Rights Section. The reports on these activities are usually shared with the Human Rights Section.

60. To strengthen the process of building national capacity through training the Human Rights Section has adopted a structure, resource and train strategy. Through this, civil society groups are assisted to structure themselves into viable and

dynamic coalitions, resourced through the establishment of human rights reference libraries, and trained. During the reporting period the Human Rights Section commissioned a human rights reference library in the northern town of Lungi in Port Loko district. This was the fifth library to be opened in the last two years.

61. The Human Rights Section also supports the human rights clinics established in the Fourabay College and Port Loko Teachers' College. It has also assisted the creation of human rights clubs in schools in Koinadugu district. Plans are under way to establish similar clubs throughout the country.

62. In order to facilitate the exchange of information and ideas, UNAMSIL hosts a monthly meeting of the steering committee composed of human rights NGOs based in Freetown and representatives of international NGOs. The meeting is chaired by the National Forum for Human Rights, which is the umbrella group of national human rights NGOs. Within this forum, the Human Rights Section plays an advisory role, providing training and guidance to the national groups.

63. In the area of technical cooperation, the Human Rights Section sits in on meetings of the United Nations Country Team to exchange information and discuss new developments, policies and strategies. The Country Team has set up a Human Rights Working Group and has appointed the Head of the Human Rights Section as the Chairman. It has the responsibility to reflect on specific key human rights concerns and make recommendations for the implementation of human rights projects. In the same spirit of inter-agency cooperation, the Human Rights Section is working closely at the district level with WFP on assistance in implementing the right to food.

64. The Human Rights Section also oversees the implementation by local partners of projects under ACT project funded by OHCHR. Under the project small grants are provided to grass-roots human rights groups to implement specific activities to promote and protect human rights. These activities are also complemented by the funding of human rights promotion activities, mostly in the area of sensitization and advocacy, by UNAMSIL DDR. The implementation of these activities through local groups has strengthened them as viable partners and supported the extension of human rights advocacy nationwide. This was aptly demonstrated by the successful collaboration with local NGOs in the celebration of the International Day of Reflection on the 1994 Genocide in Rwanda.

## F. National Human Rights Commission

65. On 30 July 2004, Parliament passed legislation establishing the National Human Rights Commission for Sierra Leone. The legislation provides a framework for the establishment and development of an independent and effective national human rights commission in line with the Paris Principles. It was the outcome of collaboration between OHCHR, UNAMSIL and the Government of Sierra Leone and represented the culmination of work that started with the visit to Sierra Leone in late 1999 of the High Commissioner's Special Adviser on National Institutions. During the coming months, OHCHR will design a technical cooperation project to support the Commission within the context of the follow-up to TRC.

# IV. Transitional justice

## A. Truth and Reconciliation Commission

66. During the reporting period, TRC, established in July 2002, completed its public activities. In March the commissioners met in Freetown and adopted the final report of the Commission. The report is currently being printed and is scheduled to be presented to the President in September 2004.

67. OHCHR has already received funding to provide logistical and technical support for the implementation of the recommendations of the Commission. The relevant technical cooperation project will be designed once the report of the Commission is made public and will support the Follow-up Committee provided for in the TRC Act (2000).

## B. Special Court for Sierra Leone

68. The Special Court for Sierra Leone was created jointly by the Government of Sierra Leone and the United Nations to prosecute persons bearing "the greatest responsibility" for serious violations of international humanitarian law and certain crimes under national law perpetrated in the territory of Sierra Leone since 30 November 1996, including those leaders who, in committing such crimes, have threatened the establishment and implementation of the peace process in Sierra Leone.

69. In May 2004, the Trial Chamber of the Court, in a majority decision, approved a motion by prosecutors to add the new count of "forced marriage" to indictments against six defenders reported to have been leaders of the former Armed Forces Revolutionary Council and the Revolutionary United Front. The new count, within in the category of "sexual violence", marks the first time that forced marriage will be prosecuted as a crime against humanity under international law.

70. Since the start of the year, the Court has focused on adopting fundamental legal documents to facilitate trials and the commencement and continuation of hearings by the Trial Chambers on varied complex legal issues, including the involvement of child soldiers. During the period, the Court decided to hold three joint trials, joining the indicted according to their wartime allegiances, rather than nine separate trials of the nine indictees in the custody of the Special Court.

71. On 3 June 2004, the Trial Chamber commenced trials of the Civil Defence Forces group of indictees (Samuel Hinga Norman, Moinina Fofanah and Allieu Kondewa), followed in July with that of former leaders of RUF (General Issah Sesay, Morris Kallon and Augustine Gbao). The court rejected a legal challenge of its jurisdiction by Hinga Norman and Augustine Gbao.

72. During the visit of a Security Council delegation to Sierra Leone in June 2004, references were made to the extradition by Nigeria of the former President of Liberia, Charles Taylor, who had been indicted by the Court in 2003. The prosecutor has publicly stated that the Court could disallow a Head of State being protected by diplomatic immunity against prosecution for international crimes and refuse amnesties, which are not applicable to crimes against humanity and serious violations of international humanitarian law.

73. The Government of Sierra Leone and civil society continue to give the Court adequate support to enable it to meet its targeted objective — to restore the rule of law and to contribute to the process of national reconciliation and the maintenance of peace.

## V. Conclusions and recommendations

74. There have been significant improvements in the area of civil and political rights during the seven years of the United Nations presence in Sierra Leone, despite a weak national human rights protection system. In order to secure the gains of the peace process, it is imperative to provide real economic opportunities for the people and to provide viable and effective national institutions for the promotion and protection of human rights. The conclusion of the TRC during the reporting period is an important landmark in the evolution of Sierra Leone in the post-conflict era. The major challenge will be in implementing the recommendations of the Commission. The international community should spare no effort in supporting the Government of Sierra Leone in implementing the recommendations in order to provide the much-needed foundation for reconciliation and healing. The human rights component of the proposed residual post-UNAMSIL United Nations presence in Sierra Leone could be an effective tool for ensuring continuing international attention to the human rights needs of Sierra Leone.

75. There is a need for continuous capacity-building for local human rights NGOs. Greater international assistance is required to support the work of local NGOs as the United Nations gradually prepares to leave Sierra Leone. A good number of these NGOs continue to encounter financial and other constraints, which impact negatively on their efficiency and effectiveness.

76. OHCHR commits itself to undertaking follow-up actions and advocacy activities at the highest level with the Government of Sierra Leone to address chronic and rampant human rights issues such as the poor functioning of the justice system, the issue of trial without legal representation, the failure of the Government to submit reports to treaty bodies and the failure to harmonize domestic laws with the provisions of international human rights instruments to which Sierra Leone is a party.

77. Equally important is the need to support the work of the Government in the review of the status of women in Sierra Leone. The Law Reform Commission has taken some very good initiatives towards greater protection and promotion of women's rights. However, this initiative can only be sustained by funding, capacity-building and technical assistance from the international community.